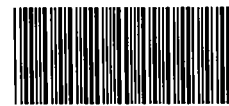




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

ORIGINAL



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**RETURN RECEIPT REQUESTED**

OCT - 9 2012

Bayer CropScience, L.P.  
William Buckner, President and CEO  
2 T. W. Alexander Drive  
Research Triangle Park, NC 27709

**Re: Required Submission of Information  
Metro Container Corporation Site  
Trainer, Delaware County, Pennsylvania**

Dear Mr. Buckner:

The U.S. Environmental Protection Agency ("EPA") has received Stauffer Management Company, LLC's ("SMC") letter dated April 18, 2012 containing responses to EPA's March 9, 2012 Information Request sent to Bayer CropScience. Based on those responses, EPA is seeking additional information concerning the operations of Stauffer Chemical Company ("SCC") and clarification of certain answers provided in the responses.

**EPA hereby requests that Bayer CropScience respond completely and timely to the information requested in Enclosure E to this letter.**

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9604(e), EPA has the authority to require you to furnish all information and documents in your possession, custody or control, or in the possession, custody or control of any of your employees or agents, which concern, refer, or relate to hazardous substances as defined by Section 101(14) of CERCLA, 42 U.S.C. Section 9601(33), which were transported to, stored, treated, or disposed of at the above referenced Site and which concern your ability to pay EPA's costs in cleaning up the Site.

Section 104 of CERCLA authorizes EPA to pursue penalties for failure to comply with that section or for failure to respond adequately to required submissions of information. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil, or criminal proceedings.

You must respond in writing to this required submission of information within **twenty (20) calendar days** of your receipt of this letter. The response must be signed by an appropriately authorized corporate official. If, for any reason, you do not provide all information responsive to this letter, then in your answer to EPA you must: (1) describe specifically what

was not provided, and (2) provide to EPA an appropriate reason why the information was not provided.

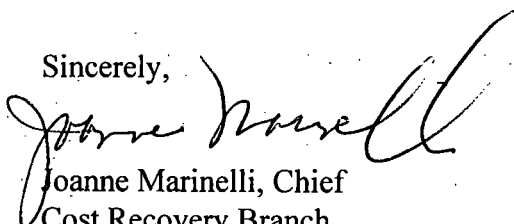
All documents and information should be sent to:

Kenneth I. Rose, III, Financial Analyst (3HS62)  
U.S. Environmental Protection Agency, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

This required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501, et seq.

If you have any questions concerning this matter, please contact Kenneth I. Rose III at 215-814-3147, or have your attorney contact Senior Assistant Regional Counsel Andrew Goldman at (215) 814-2487.

Sincerely,



Joanne Marinelli, Chief  
Cost Recovery Branch  
Hazardous Site Cleanup Division

Enclosures: A. Business Confidentiality Claims/Disclosure of Your Response to  
EPA Contractors and Grantees  
B. List of Contractors that May Review Your Response  
C. Definitions  
D. Instructions  
E. Information Requested

cc: Andrew Goldman (3RC41)  
Kenneth I. Rose, III (3HS62)  
PADEP

## **Enclosure A**

### **Business Confidentiality Claims**

You are entitled to assert a claim of business confidentiality covering any part or all of the submitted information, in the manner described in 40 C.F.R. Part 2, Subpart B. Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth in 40 C.F.R. Part 2, Subpart B. If a claim of business confidentiality is not asserted when the information is submitted to EPA, EPA may make this information available to the public without further notice to you. You must clearly mark such claimed information by either stamping or using any other such form of notice that such information is a trade secret, proprietary, or company confidential. To best ensure that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.

### **Disclosure of Your Response to EPA Contractors and Grantees**

EPA may contract with one or more independent contracting firms (See "Enclosure B") to review the documentation, including documents which you claim are confidential business information ("CBI"), which you submit in response to this information request, depending on available agency resources. Additionally, EPA may provide access to this information to (an) individual(s) working under (a) cooperative agreement(s) under the Senior Environmental Employee Program ("SEE Enrollees"). The SEE Program was authorized by the Environmental Programs Assistance Act of 1984 (Pub. L. 98-313). The contractor(s) and/or SEE Enrollee(s) will be filing, organizing, analyzing and/or summarizing the information for EPA personnel. The contractors have signed a contract with EPA that contains a confidentiality clause with respect to CBI that they handle for EPA. The SEE Enrollee(s) is working under a cooperative agreement that contains a provision concerning the treatment and safeguarding of CBI. The individual SEE Enrollee has also signed a confidentiality agreement regarding treatment of CBI. Pursuant to Section 104(e)(7) of CERCLA, 42 U.S.C. § 9604(e)(7), and EPA's regulations at 40 C.F.R. § 2.310(h), EPA may share such CBI with EPA's authorized representatives which include contractors and cooperators under the Environmental Programs Assistance Act of 1984. (See 58 Fed.Reg. 7187 (1993)). If you have any objection to disclosure by EPA of documents which you claim are CBI to any or all of the entities listed in Enclosure B, you must notify EPA in writing at the time you submit such documents.

**Enclosure B**

[rev. 10/2011]

**List of Contractors That May Review Your Response**

**Emergint Technologies, Inc.**

Contract # EP-W-11-025

**Booz-Allen & Hamilton**

Contract # GS-35F-0306J (GSA Schedule)

**CDM-Federal Programs Corporation**

Contract # EP-S3-07-06

Subcontractors: L. Robert Kimball & Associates Inc.  
Page Technologies Inc.  
Avatar Environmental LLC  
Terradon Corporation

**Chenega Global Services, LLC**

Contract #EP-S3-09-02

**EA Engineering, Science and Technology, Inc.**

Contract #EP-S3-07-07

Subcontractor: URS

**Eisenstein Malanchuck, LLP**

Contract #EP-W-07-079

Subcontractors: R. M. Fields International, LLC  
James C. Hermann & Associated  
MacRae & Company, Inc.

**Guardian Environmental Services**

Contract # EP-S3-07-02

Subcontractor: Aerotech, Inc.  
Guardian Equipment

**Hydrogeologic (HGL)**

Contract #EP-S3-07-05

Subcontractor: CH2MHill  
Sullivan International

**Kemron**

Contract # EP-S3-07-03

Subcontractor: Clean Venture/Cycle Chem Inc.  
CMC Inc.  
Los Alamos Technical Assoc., Inc.  
Carlucci Construction

**Weston Solutions**

Contract #EP-S3-1005

**Tech Law, Inc.**

Contract #EP-S3-1004

**Tetra Tech NUS, Inc.**

Contract #EP-S3-07-04

**WRS Infrastructure & Environment, Inc.**

Contracts # EP-S3-07-01 and #EP-S3-07-09

Subcontractors: AEG Environmental  
Environmental Staffing  
Veolia Environmental Services  
Lewis Environmental Group

**Industrial Economics, Inc.**

Contract # EP-W-06-092

Cooperative Agreements

**National Association of Hispanic Elderly**

CA# Q83424401

CA # ARRA 2Q8343730-01

**National Older Workers Career Center**

CA# CQ-833987

## Enclosure C

### Definitions

1. The term "arrangement" shall mean every separate contract or other agreement or understanding between two or more persons, whether written or oral.
2. The term "documents" shall mean writings, photographs, sound or magnetic records, drawings, or other similar things by which information has been preserved and also includes information preserved in a form which must be translated or deciphered by machine in order to be intelligible to humans. Examples of documents include, but are not limited to, electronic mail and other forms of computer communication, drafts, correspondence, memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, receipts, summaries, pamphlets, books, invoices, checks, bills of lading, weight receipts, toll receipts, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, inter-office and intra-office communications, notations of any conversations (including, without limitation, telephone calls, meetings, and other communications such as e-mail), bulletins, printed matter, computer printouts, invoices, worksheets, graphic or oral records or representations of any kind (including, without limitation, charts, graphs, microfiche, microfilm, videotapes, recordings and motion pictures), electronic, mechanical, magnetic or electric records or representations of any kind (including, without limitation, tapes, cassettes, discs, recordings and computer memories), minutes of meetings, memoranda, notes, calendar or daily entries, agendas, notices, announcements, maps, manuals, brochures, reports of scientific study or investigation, schedules, price lists, data, sample analyses, and laboratory reports.
3. The term "hazardous substance" means (a) any substance designated pursuant to section 1321(b)(2)(A) of Title 33 of the U.S. Code, (b) any element, compound, mixture, solution, or substance designated pursuant to Section 9602 of CERCLA, (c) any hazardous waste having the characteristics identified under or listed pursuant to Section 3001 of the Solid Waste Disposal Act (42 U.S.C. § 6921) (but not including any waste the regulation of which under the Solid Waste Disposal Act, 42 U.S.C. § 6901 et seq., has been suspended by Act of Congress), (d) any toxic pollutant listed under Section 1317(a) of Title 33, (e) any hazardous air pollutant listed under section 112 of the Clean Air Act, 42 U.S.C. § 7412, and (f) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to Section 2606 of Title 15 of the U.S. Code. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (a) through (f) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).
4. The term "pollutant or contaminant" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food

chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations in such organisms or their offspring, except that the term "pollutant or contaminant" shall not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under CERCLA, and shall not include natural gas, liquefied natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas).

5. The term "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant), but excludes (a) any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons, (b) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine, (c) release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954, 42 U.S.C. § 2011 et seq., if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under Section 170 of such Act, 42 U.S.C. § 2210, or, for the purposes of Section 9604 of CERCLA or any other response action, any release of source, byproduct, or special nuclear material from any processing site designated under 42 U.S.C. §§ 7912(a)(1) and 7942(a) and (d) the normal application of fertilizer.
6. The term "waste" or "wastes" shall mean and include any discarded materials including, but not limited to, trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, pollutants or contaminants, and discarded or spilled chemicals, whether solid, liquid, or sludge.
7. The term "you" when referring to an incorporated entity shall mean and include the incorporated entity and its agents and representatives, including, but not limited to, persons directly authorized to transact business on the entity's behalf such as officers, directors, or partners with which the entity is affiliated, employees, accountants, engineers, or other persons who conduct business on the entity's behalf, as well as affiliated entities, including, but not limited to, partnerships, limited liability companies, divisions, subsidiaries, and holding companies.

## **Enclosure D**

### **Instructions**

1. You are entitled to assert a claim of business confidentiality covering any part or all of the information you submit. If you desire to assert a claim of business confidentiality, please see Enclosure A, *Business Confidentiality Claims/Disclosure of Your Response to EPA Contractors and Grantees*. You must clearly mark such information by either stamping or using any other form of notice that such information is a trade secret, proprietary, or company confidential. To ensure to the greatest extent that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.
2. Please provide a separate, detailed narrative response to each question, and to each subpart of each question, set forth in this Information Request. If you fail to provide a detailed response, EPA may deem your response to be insufficient and thus a failure to comply with this Information Request, which may subject you to penalties.
3. Precede each response with the number of the question or subpart of the question to which it corresponds. For each document or group of documents produced in response to this Information Request, indicate the number of the specific question or subpart of the question to which the document(s) responds.
4. Should you find at any time after submission of your response that any portion of the submitted information is false, misrepresents the truth or is incomplete, you must notify EPA of this fact and provide EPA with a corrected written response.
5. Any terms that are used in this Information Request and/or its Enclosures that are defined in CERCLA shall have the meaning set forth in CERCLA. Definitions of several such terms are set forth in Enclosure C, *Definitions*, for your convenience. Also, several additional terms not defined in CERCLA are defined in Enclosure C. Those terms shall have the meaning set forth in Enclosure C any time such terms are used in this Information Request and/or its Enclosures.

## **Enclosure E**

### **Information Required**

- A. By letter dated March 9, 2012, EPA issued an information request pursuant to 42 U.S.C. § 9604(e) to Bayer CropScience ("BCS") pertaining to the Metro Container Corporation Site. EPA received a letter, dated April 18, 2012, from Stauffer Management Company ("SMC") which purported to respond to EPA's March 9, 2012 information request letter to BCS.
1. Please confirm whether the SMC letter dated April 18, 2012, was submitted on behalf of BCS in response to EPA's March 9, 2012 letter to BCS.
  2. For each answer provided in the SMC letter dated April 18, 2012, please state whether BCS has any additional or different responsive information.
  3. For each answer provided in the SMC letter dated April 18, 2012, please state whether BCS has any additional or different responsive documents and provide a copy of each such additional or different document.
- B. Information in EPA's files indicates that Stauffer Chemical Company ("Stauffer") owned and operated a chemical manufacturing facility on property located at or near 2<sup>nd</sup> and Price Streets in Trainer, Pennsylvania ("Property") from approximately 1920-1963; that Stauffer produced chemicals including sulfuric acid, carbon disulfide, dithiocarbonic anhydride, and sodium hydrosulfide at the Property; that Stauffer constructed and/or operated a lagoon/settling pond on the Property between 1953-1963; and that "filter cake" was disposed of in the lagoon.
1. Please state whether any lagoons, ponds, pits, landfills, or other temporary or permanent disposal areas (collectively "Units") were constructed and/or used at the Property during the time Stauffer operated there.
  2. For each Unit identified, please:
    - a. Identify where the Unit was located on the Property;
    - b. Provide a copy of all documents which refer or relate to the construction or opening of the Unit;
    - c. Identify when Stauffer began to use the Unit;
    - d. Identify when Stauffer ceased using the Unit;
    - e. Provide a copy of all documents which refer or relate to the closing, decommissioning, or discontinued use of the Unit by Stauffer;



- f. Provide a copy of all documents which refer or relate to the cleanout of such Unit at any time;
  - g. Identify all wastes placed into the Unit during the time Stauffer used the Unit;
  - h. Identify all hazardous substances contained within wastes placed into the Unit;
  - i. Provide a copy of all documents which refer or relate to the wastes placed into the Unit including, without limitation, all analyses of samples taken from such waste;
  - j. Describe the processes from which the wastes placed into the Unit were generated;
  - k. Describe all actions taken to modify, close, cleanout, and/or remediate the Unit (your response should include, without limitation, the date each action was commenced, the nature of such action, and the date such action was completed); and
  - l. Provide a copy of all documents which refer or relate to each action identified in response to 2(k), above.
3. State whether filter cake was disposed of at any time on the Property or into Stoney Creek during the period Stauffer operated at the Property. For each instance in which filter cake was so disposed, please:
- a. Identify where on the Property or within Stoney Creek such filter cake was disposed;
  - b. Identify the process from which such filter cake was generated including, without limitation, the materials that would have flowed through the filter to produce the filter cake and the materials that would have passed through the filter;
  - c. Identify the composition of such filter cake including, without limitation, the hazardous substances contained within such filter cake;
  - d. Provide a copy of all documents which refer or relate to the composition of the filter cake including, without limitation, the results of any analytical testing performed on such filter cake; and
  - e. Provide a copy of all documents which refer or relate to the disposal of such filter cake on the Property.

4. Identify all wastes and by-products resulting from the manufacture of the chemicals and materials produced at the Property during the time Stauffer operated at this location. For each such waste and by-product stored or disposed of on the Property or into Stoney Creek at any time:
  - a. Identify the waste/by-product;
  - b. Identify when such waste/by-product was stored or disposed of on the Property or in Stoney Creek;
  - c. Identify where on the Property or in Stoney Creek such waste/by-product was stored or disposed;
  - d. Identify how such waste/by-product was stored or disposed (e.g., placed into a lagoon);
  - e. Identify the composition of such waste/by-product including, without limitation, hazardous substances contained within such waste/by-product;
  - f. Identify the process from which such waste/by-product was produced;
  - g. Provide a copy of all documents which refer or relate to the composition of such waste/by-product including, without limitation, the results of any analytical testing performed on such waste/by-product; and
  - h. Provide a copy of all documents which refer or relate to the storage or disposal of such waste/by-product on the Property.
5. State whether there were any releases or spills of hazardous substances at the Property and/or to Stoney Creek during the time Stauffer owned or operated at the Property. For each such spill or release:
  - a. Identify the date on which the spill or release occurred;
  - b. Identify the location on the Property or in Stoney Creek where such spill or release occurred;
  - c. Identify the material spilled or released including, without limitation, the hazardous substances contained within the material spilled or released and the volume of material spilled or released;
  - d. Identify all efforts to contain or clean up the spill or release including, without limitation, the date on which any such efforts commenced, the activities taken, and the date on which such efforts were completed;
  - e. Identify the process from which such spill or release occurred;

- f. Provide a copy of all documents which refer or relate to the composition of the materials spilled or released including, without limitation, any results of analytical testing performed on the spilled/released material;
  - g. Provide a copy of all documents which refer or relate to the spill or release.
- 6. Provide a copy of all environmental assessments and investigations performed at the Property or in Stoney Creek by or on behalf of Stauffer at any time.
- 7. State whether PCBs and/or PCB-containing equipment, material, or compounds was present at the Property during the period Stauffer owned and/or operated at the Property. For each piece of PCB-containing equipment, material, or compound present at the Property during such period:
  - a. Identify the piece of equipment, material, or compound (e.g., transformer);
  - b. State when such was first used on the Property;
  - c. State when use of such was discontinued;
  - d. Identify each instance in which PCB-containing materials were installed into and/or removed from such equipment;
  - e. Identify each instance in which PCBs leaked, spilled, or were otherwise released at the Property (your response should include, but should not be limited to, the date of each instance, the source of the PCBs released, the volume of PCB-containing material released, and the date and nature of all actions taken in response to such release);
  - f. Provide a copy of all documents which refer or relate to the leakage, spillage, or other release of PCBs at the Property;
  - g. Provide a copy of all documents which refer or relate to actions taken at any time to clean up PCBs leaked, spilled, or otherwise released at the Property;
  - h. Provide a copy of all documents prepared at any time to comply with 40 C.F.R. Part 761 in connection with the use, storage, and/or disposal of PCBs and/or PCB-containing equipment at the Property;

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William Buckner, President and CEO  
2 T.W. Alexander Drive  
Research Triangle Park, NC 27709

2. Article Number

(Transfer from service label)

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X *E. Bullock*

☐ Agent

☐ Addressee

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*E. Bullock*

C. Date of Delivery

*10/18/12*

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